REMARKS

Claims 54-97 are currently pending in the subject application, and are presently under consideration. Claims 54-97 are rejected. Claims 54, 55, 57, 62, 64, and 73 have been amended. Claims 56, 58, 59, 65-67, and 76-97 have been cancelled. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

I.   Objection to Claims 54-56, 58, and 62

Claims 54-56, 58, and 62 are objected to because of informalities. Claims 54, 55, and 62 have been amended, *inter alia*, to correct the objectionable language that has been identified by the Examiner in the Office Action (Office Action, pages 2 and 3). In addition, claim 56 has been cancelled, thus rendering the objection to claim 56 moot. Withdrawal of the objection to claims 54, 55, 58, and 62 is respectfully requested.

II.   Rejection of Claims 65, 66, 76, and 77 Under 35 U.S.C. §101

Claims 65, 66, 76, and 77 stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 65, 66, 76, and 77 have been cancelled, thus rendering this rejection moot.

III. Rejection of Claims 65-72, 77, 78, 80-83, and 87 Under 35 U.S.C. §102(e)

Claims 65-72, 77, 78, 80-83, and 87 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0187977 to Cranor, et al. ("Cranor"). Claims 65-67, 77, 78, 80-83, and 87 have been cancelled, thus rendering the rejection of these claims moot. Withdrawal of the rejection of the remaining claims is respectfully requested for at least the following reasons.

With regard to claim 68, the Examiner asserts that Cranor discloses all of the elements of claim 68 (Office Action, pages 5 and 6). However, claim 68 recites that network data comprises data for a plurality of communication sessions over the network, said network data including a plurality of session related parameters. With regard to the rejection of claim 54, the Examiner

concedes through admission that "Cranor does not explicitly teach the capture network data comprises 'a plurality of communications sessions over said network, said network data including a plurality of session related parameters,'" (Office Action, page 15). Therefore, the Examiner's rejection of claim 68 is inconsistent with the Examiner's statement that Cranor fails to teach that the capture network data comprises a plurality of communications sessions over said network, said network data including a plurality of session related parameters, as recited in both claims 54 and 68. Therefore, Representative for Applicant respectfully submits that Cranor fails to teach that network data comprises data for a plurality of communication sessions over the network, said network data including a plurality of session related parameters, as recited in claim 68.

The Examiner also states that network data for a session used to generate statistical data is retrievable is inherent in Cranor by stating that "it is inherent that the data is retrievable from the database," (Office Action, page 6). Representative for Applicant respectfully disagrees, and respectfully submits that the "data" to which the Examiner refers is not equivalent to the network data that is recited in claim 68, but instead appears to make no distinction between the "network data" and the "statistical data" that is generated based on the network data.

The Present Application describes that raw data (*i.e.*, captured network data) together with the intermediate statistics is retained so that it is possible to "drill down" into the original raw data if problems are identified. The structuring of the raw data into a plurality of data structures means that the raw data in each data structure is individually accessible so it is possible to access parts of the raw data without needing to download all the raw data. Thus, once the statistical analysis has been conducted, the analysis will show which, if any, of the raw data is required for further examination (*e.g.*, to solve problems with the network). The data structures containing this required raw data can be accessed without needing to access all the raw data and may thus be accessed over a relatively low bandwidth. See, *e.g.*, Present Application, page 5.

Representative for Applicant respectfully submits that Cranor fails to disclose that network data for a session used to generate statistical data is retrievable, as pertaining to the

"drill down" feature that is key to the invention, as described above. In contrast, the focus of Cranor is of reducing information/data and breaking down queries. Specifically, Cranor states that queries are analyzed and broken into component modules…to reduce the resource required to monitor the traffic…thereby reducing data before it meets the data bus (Cranor, paragraph 6). Cranor also insinuates that data could be sent to the host by stating that LFTAs can retain reference to the packet if they wish to immediately send a large chunk of data from the packet to the host (Cranor, paragraph 62). However, there is no explicit statement in Cranor that the raw data is preserved (*i.e.*, stored in memory for later retrieval), except perhaps for an immediate transfer as instructed by an LFTA. Accordingly, there is no teaching in Cranor of accessing the raw data at a later date to drill down after statistical analysis has occurred (*i.e.*, after HFTA analysis disclosed in Cranor). Moreover, there is no teaching that the data is stored in data structures, thus enabling only a particular element of the raw data to be transferred. Therefore, Cranor fails to teach that network data for a session used to generate statistical data is retrievable, as recited in claim 68.

In addition, Representative for Applicant respectfully submits that the Examiner fails to address the entirety of the language of claim 68. Specifically, in rejecting claim 68, the Examiner omits the element "dividing said captured network data into a plurality of data structures, one for each said communications session," as recited in claim 68. Representative for Applicant respectfully submits that Cranor fails to disclose that captured network data is divided into data structures, one for each said communications session, as recited in claim 68.

For all of these reasons, Cranor fails to anticipate claim 68, because claim 68 does not teach each and every element of claim 68. Withdrawal of the rejection of claim 68, as well as claims 69-72 which depend therefrom, is respectfully requested.

IV.   Rejection of Claims 73, 76, and 89-97 Under 35 U.S.C. §102(b)

Claims 73, 76, and 89-97 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 7,016,951 to Longworth, et al. ("Longworth"). Claim 73 has been amended, and

claims 76 and 89-97 have been cancelled. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 73 has been amended to recite means for storing an identifier of said plurality of data structures, whereby network data for a session used to generate said statistical data is retrievable with said data structures being accessible one at a time when statistical analysis indicates which session should be examined. The Examiner states that Longworth provides the feature of capturing network data and reassembled back into network sessions (Office Action, page 9). However, Representative for Applicant respectfully submits that there is no teaching in Longworth of storing an identifier of said plurality of data structures whereby said data structures are accessible one at a time when statistical analysis indicates which session should be examined, as recited in amended claim 73.

Longworth discloses that part or all of a complete session may be stored in content database 182 after assignment of a unique storage address (Longworth, col. 6, ll. 30-40). Thereafter the minimum subset of information needed to identify the nature of the session is recorded on session database 122 removing unnecessary information. Longworth also discloses that "parsed session information is stored in session database," (Longworth, col. 7, ll. 62-64). Thus, in contrast to amended claim 73, although Longworth may initially record the raw data, a first step is to discard some of this raw data.

Longworth teaches a further refining of the data to create a summary database 132 which stores results of interrogations (Longworth, col. 7, ll. 24 and 63-65). As shown in the overall processing flow in Longworth, a user enquiry is accepted, input to the presentation server and analyzed by communicating with the summary database 132 (Longworth, FIG. 2; col. 7, line 44 through col. 8, line 9). The characterization module 134 is executed to execute high-level digested data, after which processing ends (Longworth, FIG. 2; col. 7, ll. 28-31). There is no suggestion that "drill down" to individual sessions following the results of the processing may be useful. Instead, as described above, Longworth teaches away from storing the complete raw data of the session. Therefore, Representative for Applicant respectfully submits that Longworth fails to teach storing an identifier of said plurality of data structures, whereby network data for a

session used to generate said statistical data is retrievable with said data structures being accessible one at a time when statistical analysis indicates which session should be examined, as recited in claim 73. Accordingly, Longworth fails to anticipate claim 73. Withdrawal of the rejection of claim 73, as well as claims 74 and 75 which depend therefrom, is respectfully requested.

V.   <u>Rejection of Claims 54-64, 74, 75, 79, 84-86, and 88 Under 35 U.S.C. §103(a)</u>

Claims 54-64, 74, 75, 79, 84-86, and 88 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cranor in view of Longworth. Claims 54, 55, 57, 62, and 64 have been amended. Claims 79, 84-86, and 88 have been cancelled. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 54 has been amended to recite to substantially incorporate the elements of claims 56, 58, and 59. Specifically, amended claim 54 recites organizing said captured network data by communication session by dividing said captured network data into a plurality of data structures, one for each said communication session, and storing an identifier of said plurality of data structures whereby said data structures are accessible one at a time when statistical analysis indicates which session should be examined.

The Examiner has acknowledged that the previously presented claim 54 differed from Cranor in that Cranor does not explicitly teach the captured network data comprises a "plurality of communication sessions over said network, said network data including a plurality of session related parameters," (Office Action, page 15). Amended claim 54 further differs from Cranor in that Cranor does not teach or suggest to one of ordinary skill in the art that the captured network data is organized by communication sessions by dividing said captured network data into a plurality of data structures, one for each communication session, as recited in amended claim 54. Furthermore, there is likewise no teaching or suggestion in Cranor of storing an identifier of said plurality of data structures whereby said data structures are accessible one at a time when statistical analysis indicates which session should be examined, as recited in amended claim 54.

The Examiner relies on Longworth to disclose the feature of capturing network data and reassembled back into network sessions (Office Action, page 15). However, for the reasons described above regarding claim 73, Longworth fails to teach or suggest storing an identifier of said plurality of data structures whereby said data structures are accessible one at a time when statistical analysis indicates which session should be examined, as recited in amended claim 54, to one of ordinary skill in the art. Thus, even if Cranor and Longworth were combined, a key feature of the present invention is missing, namely that data structures are accessible one at a time when statistical analysis indicates which session should be examined. Accordingly, neither Cranor nor Longworth, individually or in combination, teach or suggest claim 54 to one of ordinary skill in the art. Withdrawal of the rejection of claim 54, as well as claims 55, 57, and 60-63 which depend therefrom, is respectfully requested.

Claim 64 has been amended in substantially the same manner as claim 54. Therefore, for the reasons described above regarding claim 54, neither Cranor nor Longworth, individually or in combination, teach or suggest claim 64 to one of ordinary skill in the art. Withdrawal of the rejection of claim 64 is respectfully requested.

Claims 74 and 75 depend from claim 73. As described above regarding claim 73, Longworth fails to teach storing an identifier of said plurality of data structures, whereby network data for a session used to generate said statistical data is retrievable with said data structures being accessible one at a time when statistical analysis indicates which session should be examined, as recited in claim 73, from which claims 74 and 75 depend. The addition of Cranor does not cure the deficiencies of Longworth to teach or suggest claims 74 and 75 to one of ordinary skill in the art. Accordingly, neither Cranor nor Longworth, individually or in combination, teach or suggest claims 74 and 75 to one of ordinary skill in the art. Withdrawal of the rejection of claims 74 and 75 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

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